

Honorable Judge Timothy W. Dore  
Chapter 13  
Hearing Location: Seattle  
Hearing Date: December 18, 2019  
Hearing Time: 9:30 a.m.

UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON

In re:

Jan Carol Little-Washington  
Kevin Lynn Washington,  
  
Debtors.

**CASE NO.: 19-13722-TWD**

**CHAPTER 13**

**OBJECTION TO CONFIRMATION  
BY WELLS FARGO BANK, N.A.**

Wells Fargo Bank, N.A. ("Creditor"), objects to confirmation of the proposed chapter 13 plan (The "Plan") of Jan Carol Little-Washington and Kevin Lynn Washington ("Debtors" herein). The basis for this objection is that the Plan does not comply with the provisions of Title 11, chapter 13 of the United States Bankruptcy Code and thus should not be confirmed by the Court.

**I. BACKGROUND**

On or about January 7, 2005, Jan C. Little and Kevin L. Washington executed and delivered a note in favor of Wells Fargo Bank, N.A. in the original principal amount of \$460,000.00. This Note was secured by a Deed of Trust ("Deed") encumbering real property commonly described as 5133 South Orcas Street, Seattle, WA 98118 ("Property"). Creditor is the holder of the note or services the note for the holder.

On October 9, 2019, Debtors filed for protection under Title 11, chapter 13 of the United States Code under cause number 19-13722-TWD in the above listed court.

The outstanding balance due on the Note as of filing is \$388,278.01. As of the same date the loan is contractually due for the May 1, 2018 payment.

1 The pre-petition arrears, including payments, late charges, escrow advances and accrued  
2 fees and costs are \$67,582.77 as detailed in Creditor's filed proof of claim. The monthly  
3 payment due as of November 1, 2019 was \$3,404.52.

4  
5 **II. ARGUMENT AND AUTHORITY**

6 Under 11 U.S.C. § 1325(a)(5) the Court shall confirm a plan only if as to each secured  
7 claim the claim holder accepts the plan and the plan provides for distribution to that creditor in  
8 an amount not less than the value of the allowed secured claim. In the case at bar, the Debtor has  
9 understated the accrued arrears by several thousand dollars and failed to provide a monthly  
10 arrears payment sufficient to cure the arrears. Because the plan is proposed as a 100% payment  
11 to unsecured creditors, it is unclear as of the date of this objection whether the plan is sufficiently  
12 funded to pay the higher arrears actually due Creditor.

13  
14 **III. CONCLUSION**

15 For the reasons listed above, the chapter 13 plan as proposed fails to comply with the  
16 requirements of United States Code Title 11. Therefore, Creditor respectfully requests the Court  
17 deny confirmation of the proposed Chapter 13 plan. If the court sustains this objection and  
18 denies confirmation, Creditor respectfully requests that the Court set a deadline by which an  
19 amended plan is to be filed. Creditor further requests that if the Debtor does not file the  
20 Amended Plan by the date imposed by the Court, that the Trustee be permitted to submit an order  
21 dismissing the bankruptcy case for failure to comply with the order of the court.

22 Dated: November 4, 2019

McCarthy & Holthus, LLP

23 /s/ Lance E. Olsen

Lance E. Olsen, Esq. WSBA# 25130

Michael S. Scott WSBA# 28501

Attorneys for Movant

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**CERTIFICATE OF SERVICE**

On 11/4/2019, I served the foregoing **OBJECTION TO CONFIRMATION** on the following individuals by electronic means through the Court's ECF program:

**TRUSTEE**

Jason Wilson-Aguilar  
courtmail@seattlech13.com

**DEBTORS' COUNSEL**

Christina L Henry  
chenry@hdm-legal.com

**I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.**

/s/ Salvador Arroyo  
\_\_\_\_\_  
Salvador Arroyo

On 11/4/2019, I served the foregoing **OBJECTION TO CONFIRMATION** on the following individuals by depositing true copies thereof in the United States mail, enclosed in a sealed envelope, with postage paid, addressed as follows:

**DEBTORS**

Jan Carol Little-Washington, 5133 S Orcas St, Seattle, WA 98118

Kevin Lynn Washington, 5133 S Orcas St, Seattle, WA 98118

**I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.**

/s/ Hue Banh  
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Hue Banh